

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

BRANDON EUGENE POTTER

PLAINTIFF

v.

Civil No. 05-5143

BENTON COUNTY SHERIFF'S  
DEPARTMENT; and JAILER BOOTH

DEFENDANTS

**ORDER**

Plaintiff's complaint was filed in this case on August 15, 2005. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information with respect to his claim.

Accordingly, it is ordered that plaintiff, Brandon Eugene Potter, complete and sign the attached addendum to his complaint, and return the same to the court **by October 7, 2005**.

**Plaintiff is advised that should he fail to return the completed and executed addendum by October 7, 2005, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 9th day of September 2005.

/s/ Beverly Stites Jones  
UNITED STATES MAGISTRATE JUDGE

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**ADDENDUM TO COMPLAINT**

TO: BRANDON EUGENE POTTER

This form is sent to you so that you may assist the court in making a determination as to the issue of whether your complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by October 7, 2005**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

**RESPONSE**

In your complaint, you allege that your constitutional rights were violated when you were sexually harassed by Jailer Booth in front of the entire E-pod. You state he made you get on your knees and he stood in front of you with a can of mace in his hand.

1. Please provide the dates of your incarceration at the Benton County Detention Center (BCDC).

Answer:

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2. Are you incarcerated solely because of pending criminal charges, or are you serving a sentence, or has your probation, parole, or supervised release been revoked?

Answer:

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3. With respect to the incident between you and Jailer Booth please state: (a) what day the incident occurred on; and (b) describe in detail Jailer Booth's actions.

Answer:

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4. Did Jailer Booth physically harm you in anyway?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please describe in detail any physical injury you suffered, the symptoms you experienced, the severity of those symptoms, whether you sought, or received, medical treatment as a result of the injuries, and state how long it took you to recover from the injuries.

If you answered no, please state how you were harmed by Jailer Booth's actions.

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5. You have named the Sheriff's Department as a defendant. The Sheriff's Department is a building and is not subject to suit under § 1983. Are there other individuals you intended to name as defendants?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please provide the name of each additional individual you intended to name as a defendant and describe in detail how he or she violated your federal constitutional rights.

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I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY  
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

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BRANDON EUGENE POTTER

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DATE